

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Crl.MC.No. 3423 of 2004()

AGAINST THE ORDER DATED 29/11/2004 IN
CMP 6296/04 IN ST.2553/2000 of SESSIONS
COURT, PALAKKAD
.....

PETITIONER: ACCUSED:

SKARIA, AGED 45 YEARS,
PRINCIPAL, PLATO ACADEMY, AGALI P.O.
MANNARKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.M.V.HARIDAS MENON

RESPONDENTS: COMPLAINANT/COUNTER PETITIONER:

1. STATE OF KERALA, REP. BY THE GOVERNMENT
PLEADER, HIGH COURT OF KERALA, ERNAKULAM.
2. AGASTIAN, S/O.AGASTY, AGED 40 YEARS,
NAKKUPPATHY, AGALI P.O.
MANNARKKAD TALUK, PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR
SRI.KALLADA K.SUKUMARAN
SMT.K.VIJAYAMMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

*** * * * ***

CrI.M.C. No. 3423 of 2004

*** * * * ***

Dated, this the 5th day of July 2007

ORDER

In this petition filed under Sec. 482 Cr.P.C., the petitioner seeks to quash the order dated 29-11-2004 in C.M.P. No. 6296 of 2004 in S.T. 2553/2000 on the file of the J.F.C.M., Mannarkkad. In the above case, the petitioner is prosecuted by the 2nd respondent/complainant for an offence punishable under Section 138 of the N.I.Act, 1881 for the alleged dishonour of Ext.P1 cheque for a sum of Rs. 1,00,000/-. The above petition was filed by the petitioner accused seeking to send the cheque in question to the handwriting expert for comparison. According to the accused a blank signed, cheque given by the accused to the complainant a money lender as security for the borrowal of Rs. 5,000/- was dishonestly converted into a cheque for Rs. 1 lakh. The learned Magistrate was of the view that the accused having admitted his signature in the cheque, the other writings in the cheque by somebody other than the accused to the would necessarily amount to material alteration. The said view taken by the Magistrate cannot be said to be illegal or unsustainable. The

refusal to send the cheque to the handwriting expert cannot be interfered with especially in the light of the decision reported in **2004 (2) KLT 108.**

This petition is accordingly dismissed. Since the case is an old one which has been pending before the Magistrate for seven years, the Magistrate shall make every earnest endeavour to dispose of the case expeditiously and, at any rate, within three months of receipt of a copy of this order failing which he shall send a report to this court through proper channel explaining the reasons as to why the above time limit could not be adhered to.

V. RAMKUMAR, (JUDGE)

ani.